

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8523

IN THE MATTER OF:

Served January 24, 2005

HEAVEN ON WHEELS LLC, Suspension)
and Investigation of Revocation)
of Certificate No. 737)

Case No. MP-2004-202

This matter is before the Commission on respondent's response to Order No. 8402, served November 5, 2004.

Under the Compact, a certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.¹ Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 737 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 737 became invalid on November 4, 2004, when the \$500,000 primary and \$1 million excess WMATC Insurance Endorsements on file for respondent terminated without replacement. Order No. 8402 noted the automatic suspension of Certificate No. 737 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 737, and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No. 737. Respondent submitted a \$1.5 million replacement endorsement on December 3, 2004. The effective date of the new endorsement is November 11, 2004. This means that respondent was without insurance coverage for seven days, from November 4, 2004, through November 10, 2004.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 737 as commanded by Order No. 8402. Inasmuch as respondent's only tariff is for service rendered to clients of the District of Columbia Department of Health, Medical Assistance Administration (DC Medicaid), proof that respondent ceased operations would need to include confirmation from DC Medicaid.

¹ Compact, tit. II, art. XIII, § 7(g).

On December 9, 2004, respondent filed an affidavit confirming that respondent ceased operating at the close of business on November 3, 2004. The affidavit is corroborated by DC Medicaid's agent for processing carrier invoices, ACS State Healthcare. Based on the evidence, the suspension shall be lifted and this proceeding terminated.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND GUNS:

A handwritten signature in dark ink, appearing to read 'William S. Morrow, Jr.', is positioned above the printed name.

William S. Morrow, Jr.
Executive Director